

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

CLARENCE SPIVEY

v.

CA 07-449 ML

ASHBEL T. WALL and
STATE OF RHODE ISLAND

ORDER

This matter is before the Court on the Petitioner's objection to a Report and Recommendation issued by Magistrate Judge Martin on October 30, 2008. Having considered Petitioner's objection and finding no merit in it, this Court adopts the Report and Recommendation and hereby GRANTS the Motion to Dismiss.

This Court notes that Petitioner has filed a Motion for Leave to File § 2244b (sic) (Docket #24). It appears that Petitioner is attempting to seek permission from the Court of Appeals to file a second or successive petition. Since this Court does not have jurisdiction to grant such relief, that motion is DENIED.

SO ORDERED:

Mary M. Lisi
Mary M. Lisi
Chief United States District Judge
December 18, 2008